

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

VICOF II TRUST; VIDA LONGEVITY FUND, LP;
WELLS FARO BANK, NATIONAL
ASSOCIATION, as securities intermediary for
VICOF II TRUST and VIDA LONGEVITY FUND,
LP; and PF PARTICIPATION FUNDING TRUST,

Plaintiffs,

v.

JOHN HANCOCK LIFE INSURANCE COMPANY
OF NEW YORK,

Defendant.

Index No. 19-cv-11093 (AKH)

VICOF II TRUST; VIDA LONGEVITY FUND, LP;
LIFE ASSETS TRUST II S.A. DELAWARE TRUST;
VIDAQUANT SUBFUND DELAWARE TRUST;
VIDA INSURANCE FUND II SERIES INTERESTS
OF THE SALI MULTI-SERIES FUND, LP; WELLS
FARGO BANK, NATIONAL ASSOCIATION, as
securities intermediary for VICOF II TRUST, VIDA
LONGEVITY FUND, LP, LIFE ASSETS TRUST II
S.A. DELAWARE TRUST, VIDAQUANT
SUBFUND DELAWARE TRUST, and VIDA
INSURANCE FUND II SERIES INTERESTS OF
THE SALI MULTI-SERIES FUND, LP; DLP
MASTER TRUST; DLP MASTER TRUST II; GWG
DLP MASTER TRUST LIFE FUNDING TRUST; PF
PARTICIPATION FUNDING TRUST; and PALM
BEACH SETTLEMENT COMPANY,

Plaintiffs,

v.

JOHN HANCOCK LIFE INSURANCE COMPANY
(U.S.A.),

Defendant.

EFG BANK AG, CAYMAN BRANCH; and WELLS
FARGO BANK, NATIONAL ASSOCIATION, as
securities intermediary for EFG BANK AG,
CAYMAN BRANCH,

Plaintiffs,

v.

JOHN HANCOCK LIFE INSURANCE COMPANY
(U.S.A.),

Defendant.

ORDER REGARDING DEFENDANTS' MOTION TO SEAL

Pursuant to the May 28, 2020 Court-approved Stipulated Confidentiality Agreement and Protective Order, ECF No. 34 (the "Protective Order"), and Rule 4(B) of the Individual Rules of the Honorable Alvin K. Hellerstein, Defendants John Hancock Life Insurance Company of New York and John Hancock Life Insurance Company (U.S.A.) ("John Hancock") move to maintain under seal or in redacted form materials identified in Exhibits 1 and 2 hereto and attached to the Declaration of Matthew T. Martens filed in support of John Hancock's Oppositions to Plaintiffs' Motions *in Limine* Nos. 1-8.

For the reasons set forth in John Hancock's Memorandum of Law and the Declaration of Zahir Bhanji, John Hancock's motion is **GRANTED**.

IT IS SO ORDERED.

February 23, 2023

/s/ Alvin Hellerstein

THE HONORABLE ALVIN K. HELLERSTEIN
UNITED STATES DISTRICT JUDGE

EXHIBIT 1

Martens Declaration Exhibit	Description	Sealing Treatment
D	Correspondence Between John Hancock and New York Department of Financial Services	The Exhibit is sealed in its entirety because it contains information concerning proprietary and confidential pricing parameters, projections, and analysis of product performance. Redactions to references to the Exhibit in John Hancock's Oppositions to Plaintiffs' Motion <i>in Limine</i> No. 1 are approved.
E	Correspondence Between John Hancock and New York Department of Financial Services	The Exhibit is sealed in its entirety because it contains information concerning proprietary and confidential pricing parameters, projections, and analysis of product performance. Redactions to references to the Exhibit in John Hancock's Oppositions to Plaintiffs' Motion <i>in Limine</i> No. 1 are approved.
F	John Hancock Underwriting Guidelines	The Exhibit is sealed in its entirety because it contains proprietary and confidential information concerning John Hancock's underwriting processes. Redactions to references to the Exhibit in John Hancock's Oppositions to Plaintiffs' Motion <i>in Limine</i> No. 2 are approved.
O	Expert Report of Timothy C. Pfeifer ¹	<p>Redactions to the Exhibit are approved as detailed below. <i>See also</i> ECF Nos. 195, 215 (ordering same redactions to same document). Redactions to references to the Exhibit in John Hancock's Oppositions to Plaintiffs' Motion <i>in Limine</i> No. 6 are approved.</p> <p>Pages 24-26: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p>

¹ The Expert Report of Timothy C. Pfeifer appears in Exhibit 1 because it contains materials that John Hancock is seeking to file under seal and also in Exhibit 2 because it contains materials that Plaintiffs have designated as confidential.

Martens Declaration Exhibit	Description	Sealing Treatment
		<p>Pages 31-36: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 39-40: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 42-43: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 50-59: Proprietary and confidential pricing parameters.</p> <p>Pages 61-69: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 88-89: Proprietary and confidential pricing parameters.</p> <p>Pages 91-92: Proprietary and confidential pricing parameters.</p> <p>Page 96: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 102-108: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 110: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 112-118: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p>

Martens Declaration Exhibit	Description	Sealing Treatment
		<p>Pages 124-136: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 142: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 144: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 153: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 156-157: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 158: Quote from Stern Report (paragraph 101) containing proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 159-161: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 170-176: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p>
N/A	References and/or summaries in John Hancock's Oppositions to Plaintiffs' Motions <i>in Limine</i> Nos. 1-8 to Sealed Exhibits to the LeQuang Declaration Subject to Forthcoming Motion For Continued Sealing	Redactions to references and/or summaries in John Hancock's Oppositions to Plaintiffs' Motions <i>in Limine</i> Nos. 1-8 to Sealed Exhibits to the LeQuang Declaration are approved, pending John Hancock's forthcoming motion for continued sealing of those materials.

Martens Declaration Exhibit	Description	Sealing Treatment
N/A	References and/or summaries in John Hancock's Oppositions to Plaintiffs' Motions <i>in Limine</i> Nos. 1-8 to Documents Subject to Prior Order Granting John Hancock's Motion to Seal	Redactions to references and/or summaries in John Hancock's Oppositions to Plaintiffs' Motions <i>in Limine</i> Nos. 1-8 to documents subject to this Court's prior order granting John Hancock's motion to seal, <i>see</i> ECF No. 297, are approved.

EXHIBIT 2

Martens Declaration Exhibit	Description	Sealing Treatment
A	Excerpts of July 7, 2022 Deposition of Larry Stern	The Exhibit is sealed in its entirety, and redactions to references to the Exhibit in John Hancock's Oppositions to Plaintiffs' Motions <i>in Limine</i> Nos. 1 and 5 are approved, pending Plaintiffs' submission.
B	Excerpts of July 6, 2022 Deposition of Larry Stern	The Exhibit is sealed in its entirety, and redactions to references to the Exhibit in John Hancock's Oppositions to Plaintiffs' Motions <i>in Limine</i> Nos. 1 and 3, and John Hancock's Pre-Trial Memorandum, are approved, pending Plaintiffs' submission.
K	Excerpts of September 1, 2021 Deposition of Adam Meltzer	Redactions to this Exhibit are approved, and redactions to references to the Exhibit in John Hancock's Oppositions to Plaintiffs' Motions <i>in Limine</i> Nos. 3 and 7 & 8, and John Hancock's Pre-Trial Memorandum, are approved, pending Plaintiffs' submission.
M	Expert Report of Bruce Deal	<p>Redactions to the Exhibit are approved as detailed below, pending Plaintiffs' submission. <i>See also</i> ECF No. 195 (ordering same redactions to same document).</p> <p>Page 5: Excerpts of Expert Report of Edi Grgeta designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 11-13: Excerpts of Depositions of Tobias Schmelz (EFG), James Sawatzky (LSH), Ingo Wichelhaus (EAA), Adam Meltzer (Vida), and Chris Winters (Lux Funds) designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 13: Excerpts of interrogatory responses from LSH designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p>

Martens Declaration Exhibit	Description	Sealing Treatment
		<p>Pages 13-14: Excerpts of Expert Report of Donald Solow designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 16-17: Excerpts of Expert Report of Edi Grgeta designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 18: Excerpts of Depositions of Tobias Schmelz (EFG), James Sawatzky (LSH), Ingo Wichelhaus (EAA), Adam Melzter (Vida), and Chris Winters (Lux Funds) designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 19-21: Excerpts of Expert Report of Edi Grgeta designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 21-24: Excerpts of Expert Report of Donald Solow designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 27, 29: Excerpt of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 37-39: Excerpts of Expert Report of Edi Grgeta designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 40: Excerpts of document produced by LSH Plaintiffs as Confidential and excerpts of Deposition of James Sawatzky (LSH) redacted pending LSH Plaintiffs' submission.</p> <p>Pages 41-43, 45-50: Excerpts of Expert Report of Edi Grgeta designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p>

Martens Declaration Exhibit	Description	Sealing Treatment
		Pages 49, 51: Excerpts of interrogatory responses from LSH designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.
N	Excerpts of June 28, 2022 Deposition of Donald Solow	The Exhibit is sealed in its entirety, and redactions to references to the Exhibit in John Hancock's Oppositions to Plaintiffs' Motion <i>in Limine</i> No. 4 are approved, pending Plaintiffs' submission.
O	Expert Report of Timothy C. Pfeifer ²	<p>Redactions to the Exhibit are approved as detailed below, pending Plaintiffs' submission. <i>See also</i> ECF No. 195 (ordering same redactions to same document). Redactions to references to the Exhibit in John Hancock's Oppositions to Plaintiffs' Motion <i>in Limine</i> No. 6 are approved, pending Plaintiffs' submission.</p> <p>Page 17: Testimony by Plaintiff EFG Bank AG, Cayman Branch designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 140: Excerpt of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 143: Excerpt of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 145: Excerpt of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p>

² The Expert Report of Timothy C. Pfeifer appears in Exhibit 1 because it contains materials that John Hancock is seeking to file under seal and also in Exhibit 2 because it contains materials that Plaintiffs have designated as confidential.

Martens Declaration Exhibit	Description	Sealing Treatment
		Pages 146-148: Excerpt of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.
S	Excerpts of July 13, 2022 Deposition of Timothy C. Pfeifer	The Exhibit is sealed in its entirety, and redactions to references to the Exhibit in John Hancock's Oppositions to Plaintiffs' Motion <i>in Limine</i> No. 6 are approved, pending Plaintiffs' submission.
U	Excerpts of July 12, 2022 Deposition of Timothy C. Pfeifer	The Exhibit is sealed in its entirety, and redactions to references to the Exhibit in John Hancock's Oppositions to Plaintiffs' Motion <i>in Limine</i> No. 6 are approved, pending Plaintiffs' submission.
V	Valuation Report	The Exhibit is sealed in its entirety, and redactions to references to the Exhibit in John Hancock's Oppositions to Plaintiffs' Motion <i>in Limine</i> No. 6 are approved, pending Plaintiffs' submission.